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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 ARIANNA SALIANI,

10 Plaintiff,

11 vs.

12 SAM'S WEST, INC., a foreign corporation
13 d/b/a SAM'S CLUB; DOES I through X; DOE
14 EMPLOYEES I through X; and ROE
15 CORPORATIONS I through X, inclusive,

16 Defendants.

Case No.: 2:20-cv-01492-APG-BNW

JOINT PRETRIAL ORDER

(Amended)

17 Following pretrial proceedings in this cause,

18 IT IS ORDERED:

19 **I.**

20 This is an action for negligence arising out of an alleged slip and fall that occurred July 21,
21 2018, at the Sam's Club, Store No. 6261 (hereinafter referred to as "Sam's Club"), located at 1910
22 East Serene Avenue in Las Vegas, Nevada. On said date, Plaintiff Arianna Saliani and her husband
23 visited Sam's Club. While shopping, Ms. Saliani contends she was walking in the center of the
24 freezer/dairy aisle, holding her son, when her foot suddenly slipped out from under her causing her
25 to fall to the ground. Plaintiff contends that unbeknownst to her, a liquid was present on the floor
26 which caused her to slip and fall causing her to sustain injuries to her left wrist, right knee and leg,
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1 left ankle and back. Plaintiff contends these injuries continue to plague her today, and she is now a
2 candidate for spinal fusion surgery.

3 Plaintiff contends that Defendant had a duty to maintain the premises in a reasonably safe
4 condition for use and a duty to inspect for dangerous conditions. Plaintiff also contends that
5 Defendant's negligence was the actual and legal or proximate cause of Plaintiff's physical injuries.
6 Plaintiff also contends that, as a result of the subject incident, she has incurred past medical and past
7 and present pain and suffering and will incur future medical expenses and future pain and suffering.

8
9 Defendant Sam's West, Inc. contends that it is not liable because it nor its employees were
10 negligent in the care of the subject premises nor did they have notice of any alleged hazard.
11 Defendant further contends that they were not negligent in the hiring, training, supervision or
12 retention of their employees.

13
14 Defendant contends that the amounts charged for the medical damages incurred by Plaintiff's
15 were not customary and reasonable. Defendant further contends the damages Plaintiff claims are not
16 attributable to Sam's Club incident. Last, Defendant contends that Plaintiff will not incur any future
17 medical expenses including future pain and suffering.

18
19 **II.**

20 There is diversity of citizenship between Plaintiff and Defendant and the amount in
21 controversy exceeds \$75,000.00. Specifically, Plaintiff is a resident of Nevada and Defendant Sam's
22 West is a resident of Arkansas and Delaware. Plaintiff's past medical expenses alone are well in
23 excess of \$75,000.00. This Court therefore has jurisdiction pursuant to 28 USC Section 1332 (a)(1).

24
25 **III.**

26 **The following facts are admitted by the parties and require no proof:**

27 1. That on July 21, 2018, Plaintiff was at the Sam's Club located at 1910 East Serene
28 Avenue in Las Vegas, Nevada;

2. A store incident report was completed.
3. A customer incident report was completed.
4. A Witness Statement was completed by Nicholas Saliani.
5. A Witness Statement was completed by Don Walter.
6. A Witness Statement was completed by Andrew Stevenson.
7. A Witness Statement was completed by Tim Mitchell.
8. An Evidence Collection Sheet was completed by Tim Mitchell.
9. Photographs were taken by Tim Mitchell.
10. Surveillance video of the incident from one hour before the incident until one hour after the incident.

IV.

The following facts though not admitted, will not be contested at trial by evidence to the contrary:

1. None other than those listed in Section III, *supra*.

V.

The following are the issues of fact to be tried and determined upon trial:

1. Whether a hazardous condition existed on the floor of Sam's Club at the time of Plaintiff's incident on July 21, 2018;
2. Whether Sam's Club had actual or constructive notice of the alleged hazardous condition;
4. Whether Sam's Club had a duty to warn Plaintiff of the hazardous condition;
5. Whether Sam's Club or its agent(s) acted negligently;
6. Whether Sam's Club owed any duty of care to Plaintiff;

- 1 7. Whether, if Sam's Club owed any duty of care to Plaintiff, Sam's Club breached
- 2 any duty of care owed to Plaintiff;
- 3 8. Whether Plaintiff suffered any injury as a result of the subject incident at Sam's
- 4 Club on July 21, 2018;
- 5 9. Whether Plaintiff's injury, if any, was the direct and proximate result of Sam's
- 6 Club's negligence;
- 7 10. Whether Plaintiff's treatment for her injuries were reasonably medically
- 8 necessary, and whether the charges therefore were reasonable and customary for
- 9 Clark County, Nevada;
- 10 11. Whether Plaintiff had preexisting medical conditions that contributed to her
- 11 alleged injuries sustained at Sam's Club;
- 12 12. Whether Plaintiff's medical treatment was related to the alleged injury sustained
- 13 at Sam's Club on July 21, 2018;
- 14 13. Whether Plaintiff suffered any damages as a result of the subject incident at Sam's
- 15 Club on July 21, 2018;
- 16 14. Whether Plaintiff's future medical treatment is related to the alleged injury
- 17 sustained at Sam's Club on July 21, 2018;
- 18 15. Whether Sam's Club employees complied with its policies and procedures and/or
- 19 industry standards for inspecting and maintaining the floors prior to Plaintiff's
- 20 incident at Sam's Club on July 21, 2018;
- 21 16. Whether Sam's Club employees complied with its policies and procedures and/or
- 22 industry standards for responding to and/or investigating Plaintiff's incident at
- 23 Sam's Club on July 21, 2018; and
- 24
- 25
- 26
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- 28

17. Whether Sam's Club may be liable, and to what extent, for damages to Plaintiff, if any, caused by Sam's Club's negligence, if any, irrespective of Plaintiff's pre-existing physical and/or mental limitations and/or deficiencies, if any, at the time of the incident at Sam's Club on July 21, 2018.
18. The amount of negligence, if any, attributable to each party in this litigation;

VI.

The following are the issues of law to be tried and determined upon trial:

1. Negligence;
2. Premises liability;
3. Whether Plaintiff's expert testimony is admissible pursuant to the standards enunciated by Federal Rules of Evidence Rule 702 and the case of *Daubert v. Merril Dow Pharmaceuticals, Inc.* (1993) 509 U.S. 579 and its case law progeny;
4. Whether Defendant's expert testimony is admissible pursuant to the standards enunciated by Federal Rules of Evidence Rule 702 and the case of *Daubert v. Merril Dow Pharmaceuticals, Inc.* (1993) 509 U.S. 579 and its case law progeny.
5. Whether Sam's Club owed Plaintiff a duty to maintain the premises in a reasonably safe condition for use;
6. Whether a dangerous condition existed on the premises of Sam's Club at the time of Plaintiff's incident on July 21, 2018;
7. Whether Sam's Club had actual and/or constructive notice of a dangerous condition, if any, existing on the premises of Sam's Club at the time of Plaintiff's incident on July 21, 2018;
8. Whether Sam's Club had a duty to warn Plaintiff of a dangerous condition on the premises, if any;

9. Whether, if Sam's Club had a duty to warn Plaintiff of a dangerous condition on the premises and if any such dangerous condition existed, Sam's Club discharged its duty;
10. Whether the alleged hazardous condition, if any, was open and obvious;
11. Whether Sam's Club owed any duty of care to Plaintiff;
12. Whether, if Sam's Club owed any duty of care to Plaintiff, Sam's Club breached any duty of care owed to Plaintiff;
13. Whether a breach of duty to Plaintiff by Sam's Club, if any, was the direct and proximate cause of Plaintiff's claimed damages;
14. Whether Plaintiff's damages claims, as listed in his FRCP 26(a) disclosures and Supplements thereto, are recoverable pursuant to the requirements of the law;
15. Whether the proper standard applied to Plaintiff's acts and/or omissions at Sam's Club on July 21, 2018, if any, is a "reasonable person standard" or standard;
16. Whether Sam's Club may be liable, and to what extent, for damages to Plaintiff, if any, caused by Sam's Club's negligence, if any, irrespective of Plaintiff's pre-existing physical and/or mental limitations and/or deficiencies, if any, at the time of the incident at Sam's Club on July 21, 2018;
17. The nature and extent of Plaintiff's injuries, impairment and need for continued and future medical care;
18. The extent of Plaintiff's past and future pain and suffering;
19. Damages;
20. Contributory Negligence;
21. The issues of law raised by the parties' anticipated motions in limine.

VII.

a) The following exhibits are stipulated into evidence in this case and may be so marked by the Clark:

a. Plaintiff exhibits.

1. Complaint filed on 6/9/2020.

b. Defendant exhibits.

1. Sam's Club Incident Report (Bates No. WM2020-0009605-0001 to WM2020-0009605-0002);

2. Plaintiff's Customer Incident Report (Bates No. WM2020-0009605-0003);

3. Witness Statement – NICHOLAS SALIANI (Bates No. WM2020-0009605-0004);

4. Sam's Club Employee Witness Statement – DONALD WALTER
((Bates No. WM2020-0009605-0005);

5. Sam's Club Employee Witness Statement - ANDREW STEVENSON (Bates No. WM2020-0009605-0006);

6. Sam's Club Employee Witness Statement – TIMOTHY MITCHELL
(Bates No. WM2020-0009605-0007);

7. Evidence Collection Sheet (WM2020-0009605-0008);

8. Color Photographs of Incident Location dated July 21, 2018 (Bates Nos. WM2020-0009605-0009 to WM2020-0009605-0013);

9. Surveillance Video of Incident Location dated July 21, 2018
(Produced on Disc, Bates Nos. WM2020-0009605-0014);

10. Shopper Events (Advanced Sales & Marketing) Vendor Samples

Dated July 21, 2020 (Bates No. WM2020-0009605-0015 through WM2020-0009605-0036);

11. *CONFIDENTIAL - Sam's West Policies and Procedures in effect at Club No. 6261 on July 21, 2018 related to Customer Injury Incident-Reporting Practice (Produced via OneDrive Link, Bates No. WM2020-0009605-0832 through WM2020-0009605-0851);
12. *CONFIDENTIAL - Sam's West Company Work Safety CBL Modules in effect at Club 6261 on July 21, 2018 (Produced via OneDrive Link, Bates No. WM2020-0009605-0852 through WM2020-0009605-0940); and
13. *CONFIDENTIAL - Sam's West Customer Safety and Maintenance Policies and Procedures in effect at Club 6261 on July 21, 2018 (Produced via OneDrive Link, Bates No. WM2020-0009605-0941 through WM2020-0009605-0978)
14. Sam's West's Floor Map of Club No. 6261 in effect on July 21, 2018 (Bates No. WM2020-0009605-1397);
15. *CONFIDENTIAL - Sam's West's Towel In Pocket (TIP) Program Maintenance Policy in effect at Club 6261 on July 21, 2018 (Bates No. WM2020-0009605-1398);
16. *CONFIDENTIAL - Sam's West Safety Resource Manual for Slip, Trip and Fall Guidelines in effect at Club 6261 on July 21, 2018 (Bates No. WM2020-0009605-1399).

b) The parties intend to offer into evidence in this case the following exhibits:

1 **a. Plaintiff's Exhibits:**

2	1. Photographs of Plaintiff's injuries	PLNTF000005 – PLNTF00014
3		
4	2. Medical records and billing from UMC Quickcare	PLNTF00015 – PLNTF00072
5		
6	3. Medical records and billing from Nevada Spine and Disc	PLNTF00073 – PLNTF000133
7		
8	4. Medical billing from PayLater Pharmacy	PLNTF000134
9		
10	5. Medical records and billing from Las Vegas Radiology	PLNTF000135 – PLNTF000159
11		
12	6. Medical records and billing from ATI Physical Therapy	PLNTF000160 – PLNTF000216
13		
14	7. Medical records and billing from Interventional Pain and Spine Institute	PLNTF000217 – PLNTF000285
15		
16	8. Medical records and billing from Stuart Kaplan, M.D.	PLNTF000286 – PLNTF000373
17		
18	9. Medical records and billing Surgical Arts Center	PLNTF000374 – PLNTF000396
19		
20	10. September 16, 2020 Surgical Cost Letter from Stuart Kaplan, M.D.	PLNTF000397 – PLNTF000398
21		
22	11. Updated medical records and billing from ATI Physical Therapy	PLNTF000399 – PLNTF000474
23		
24	12. Medical records from Nevada Cardiology Associates	PLNTF000475 – PLNTF000482
25		
26	13. Medical records and billing from Southern Nevada Medical Group	PLNTF000483 – PLNTF000539
27		
28	14. Medical billing from Nevada Cardiology Associates	PLNTF000540 – PLNTF000543
	15. Rebuttal and/or impeachment documents as necessary	

Additionally, Plaintiff reserves the right to rely upon and offer all exhibits identified by Defendant herein, as well as in all FRCP 26 disclosures.

i. Defendant's Objections:

Defendant objects to the production of all listed medical records and billing on the basis of foundation, authenticity, relevance, and hearsay as Defendant asserts there are causation issues involved in the instant litigation and the aforementioned medical records are yet to be authenticated for purposes of trial. Further, these medical records lack relevance to the alleged incident and include hearsay statements meant to prove the truth of the matter asserted by the Plaintiff.

Defendant further objects to the authenticity, foundation, and relevancy of any alleged expert report as it has no foundation, is irrelevant to the proceedings, lacks foundation, lacks authenticity, is hearsay, more prejudicial than probative and inadmissible based upon the information contained therein.

b. Defendants' Exhibits:

1. Documents from Sam's West's Third-Party Administrator's Claims File (Produced via OneDrive Link, Bates No. WM2020-0009605-0037 through WM2020-0009605-0780);
2. Sedgwick Claims Notes (Redacted) (Produced via OneDrive Link, Bates No. WM2020-0009605-0781 through WM2020-0009605-0831);
3. Defendant Sam's West, Inc.'s Privilege Log in submission with its second Supplemental FRCP 26(a) Disclosure Statement (Produced via OneDrive Link, Bates No. WM2020-0009605-0979 through WM2020-0009605-1002);
4. Plaintiff's Medical and Billing Records from Nevada Spine & Disc (Bates No. WM2020-0009605-1003 through WM2020-0009605-1072);
5. Plaintiff's Medical and Billing Records from Interventional Pain & Spine Institute (Bates No. WM2020-0009605-1073 through WM2020-0009605-1182);

- 1 6. Plaintiff's Medical and Billing Records from Las Vegas Neurosurgical Institute for Spine &
- 2 Brain Surgery (Bates No. WM2020-0009605-1183 through WM2020-0009605-1286);
- 3 7. Plaintiff's Billing Records from Pay Later Pharmacy (Bates No. WM2020-0009605-1287
- 4 through WM2020-0009605-1289);
- 5 8. Plaintiff's Medical and Billing Records from Las Vegas Radiology (Bates No. WM2020-
- 6 0009605-1290 through WM2020-0009605-1320);
- 7 9. Plaintiff's Medical Records from Surgical Arts Center (Bates No. WM2020-0009605-1321
- 8 through WM2020-0009605-1350);
- 9 10. Plaintiff's Medical and Billing Records from Dominic Robine, D.O. (Bates No. WM2020-
- 10 0009605-1351 through WM2020-0009605-1364);
- 11 11. Plaintiff's Billing Records from St. Rose Dominican Hospital – San Martin (Bates No.
- 12 WM2020-0009605-1365 through WM2020-0009605-1371);
- 13 12. Plaintiff's Medical Records from Doctors Center Family and Urgent Care (Bates No.
- 14 WM2020-0009605-1372 through WM2020-0009605-1391);
- 15 13. Plaintiff's Medical and Billing Records from Denny Dumler, D.C. (Bates No. WM2020-
- 16 0009605-1392 through WM2020-0009605-1396);
- 17 14. Plaintiff's Medical and Billing Records from ATI Physical Therapy (Bates No. WM2020-
- 18 0009605-1400 through WM2020-0009605-1529);
- 19 15. Plaintiff's Medical and Billing Records from St. Rose Dominican Hospital – San Martin
- 20 (Bates No. WM2020-0009605-1530 through WM2020-0009605-2275);
- 21 16. Plaintiff's Medical and Billing Records from Doctors Center Family and Urgent Care (Bates
- 22 No. WM2020-0009605-2276 through WM2020-0009605-2360);
- 23 17. Plaintiff's Medical and Billing Records from UMC Quick Care (Bates No. WM2020-
- 24 0009605-2361 through WM2020-0009605-2438);
- 25 18. Plaintiff's Medical and Billing Records from St. Rose Dominican Hospital – San Martin
- 26 (Bates No. WM2020-0009605-2439 through WM2020-0009605-3189);
- 27 19. Plaintiff's Billing Records from Surgical Arts Center (Bates No. WM2020-0009605-3190
- 28 through WM2020-0009605-3199);

20. Plaintiff's Medical and Billing Records from Minute Clinic (Bates No. WM2020-0009605-3200 through WM2020-0009605-3224);
21. Plaintiff's Imaging Records from UMC Quick Care (Bates No. WM2020-0009605-3225);
22. Certificate of No Records from Pain Center of Henderson (Bates No. WM2020-0009605-3226 through WM2020-0009605-3228);
23. Plaintiff's Insurance Records from United Healthcare Services, Inc. (Bates No. WM2020-0009605-3229 through WM2020-0009605-3409);
24. Paul Kaloostian, M.D., FAANS, FACS Independent Medical Examination Report and Records Review dated April 28, 2021 (Bates No. WM2020-0009605-3410 through WM2020-0009605-3419);
25. Paul Kaloostian, M.D., FAANS, FAC, Curriculum Vitae, Testimony History, and Fee Schedule (Bates No. WM2020-0009605-3420 through WM2020-0009605-3430);
26. Plaintiff's Unitrin Direct Insurance Company – Medical Records & Billing (Bates No. WM2020-0009605-3431 through WM2020-0009605-3522);
27. Plaintiff's Southern Nevada Medical Group Medical Records & Billing (Bates No. WM2020-0009605-3523 through WM2020-0009605-3584);
28. Plaintiff's Nevada Cardiology Associates Medical Records & Billing (Bates No. WM2020-0009605-3585 through WM2020-0009605-3603);

i. Plaintiff's Objections:

1. The report and opinions of defense expert Paul E. Kaloostian, M.D., FAANS, FACS, dated April 28, 2021.

Plaintiff objects to the admissibility of the above-stated evidence pursuant to the standards enunciated by Federal Rules of Evidence Rules 702 and/or 703 and the case of *Daubert v. Merrill Dow Pharmaceuticals, Inc.* (1993) 509 U.S. 579 and its case law progeny, including, but not limited to: *General Elec. Co v. Joiner*, 522 U.S. 136 and *Claar v. Burlington N.R.R.*, 29 F. 3d 499 (9th Cir. 1994). Plaintiff also objects to the evidence to the extent said evidence is speculative, and where its

1 prejudicial nature outweighs its probative value.

2 **In addition to the previously stated objections, Plaintiff objects to the admissibility of**
3 **the following evidence based upon hearsay, lack of foundation, relevance or, in the alternative,**
4 **pursuant to Federal Rules of Evidence Rule 403:**

- 5 1. Paul Kaloostian, M.D., FAANS, FACS Independent Medical Examination Report and
6 Records Review dated April 28, 2021 (Bates No. WM2020-0009605-3410 through
7 WM2020-0009605-3419) which is a hearsay document and is inadmissible to prove the
8 truth of the matters asserted within the report.
- 9 2. Paul Kaloostian, M.D., FAANS, FAC, Curriculum Vitae, Testimony History, and Fee
10 Schedule (Bates No. WM2020-0009605-3420 through WM2020-0009605-3430);
- 11 3. Documents from Sam's West's Third-Party Administrator's Claims File (Produced via
12 OneDrive Link, Bates No. WM2020-0009605-0037 through WM2020-0009605-0780);
- 13 4. Sedgwick Claims Notes (Redacted) (Produced via OneDrive Link, Bates No. WM2020-
14 0009605-0781 through WM2020-0009605-0831);
- 15 5. Defendant Sam's West, Inc.'s Privilege Log in submission with its second Supplemental
16 FRCP 26(a) Disclosure Statement (Produced via OneDrive Link, Bates No. WM2020-
17 0009605-0979 through WM2020-0009605-1002);
- 18 6. Plaintiff's Medical and Billing Records from Nevada Spine & Disc (Bates No. WM2020-
19 0009605-1003 through WM2020-0009605-1072);
- 20 7. Plaintiff's Medical and Billing Records from Interventional Pain & Spine Institute (Bates
21 No. WM2020-0009605-1073 through WM2020-0009605-1182);
- 22 8. Plaintiff's Medical and Billing Records from Las Vegas Neurosurgical Institute for Spine
23 & Brain Surgery (Bates No. WM2020-0009605-1183 through WM2020-0009605-1286);
- 24 9. Plaintiff's Billing Records from Pay Later Pharmacy (Bates No. WM2020-0009605-1287)

1 through WM2020-0009605-1289);
2
3 10. Plaintiff's Medical and Billing Records from Las Vegas Radiology (Bates No. WM2020-
4 0009605-1290 through WM2020-0009605-1320);
5
6 11. Plaintiff's Medical Records from Surgical Arts Center (Bates No. WM2020-0009605-
7 1321 through WM2020-0009605-1350);
8
9 12. Plaintiff's Medical and Billing Records from Dominic Robine, D.O. (Bates No.
10 WM2020-0009605-1351 through WM2020-0009605-1364);
11
12 13. Plaintiff's Billing Records from St. Rose Dominican Hospital – San Martin (Bates No.
13 WM2020-0009605-1365 through WM2020-0009605-1371);
14
15 14. Plaintiff's Medical Records from Doctors Center Family and Urgent Care (Bates No.
16 WM2020-0009605-1372 through WM2020-0009605-1391);
17
18 15. Plaintiff's Medical and Billing Records from Denny Dumler, D.C. (Bates No. WM2020-
19 0009605-1392 through WM2020-0009605-1396);
20
21 16. Plaintiff's Medical and Billing Records from ATI Physical Therapy (Bates No. WM2020-
22 0009605-1400 through WM2020-0009605-1529);
23
24 17. Plaintiff's Medical and Billing Records from St. Rose Dominican Hospital – San Martin
25 (Bates No. WM2020-0009605-1530 through WM2020-0009605-2275);
26
27 18. Plaintiff's Medical and Billing Records from Doctors Center Family and Urgent Care
28 (Bates No. WM2020-0009605-2276 through WM2020-0009605-2360);
19
20 19. Plaintiff's Medical and Billing Records from UMC Quick Care (Bates No. WM2020-
21 0009605-2361 through WM2020-0009605-2438);
22
23 20. Plaintiff's Medical and Billing Records from St. Rose Dominican Hospital – San Martin
24 (Bates No. WM2020-0009605-2439 through WM2020-0009605-3189);
25
26 21. Plaintiff's Billing Records from Surgical Arts Center (Bates No. WM2020-0009605-3190

1 through WM2020-0009605-3199);
2
3 22. Plaintiff's Medical and Billing Records from Minute Clinic (Bates No. WM2020-
4 0009605-3200 through WM2020-0009605-3224);
5
6 23. Plaintiff's Imaging Records from UMC Quick Care (Bates No. WM2020-0009605-
7 3225);
8
9 24. Certificate of No Records from Pain Center of Henderson (Bates No. WM2020-0009605-
10 3226 through WM2020-0009605-3228);
11
12 25. Plaintiff's Insurance Records from United Healthcare Services, Inc. (Bates No. WM2020-
13 0009605-3229 through WM2020-0009605-3409);
14
15 26. Plaintiff's Unitrin Direct Insurance Company – Medical Records & Billing (Bates No.
16 WM2020-0009605-3431 through WM2020-0009605-3522);
17
18 27. Plaintiff's Southern Nevada Medical Group Medical Records & Billing (Bates No.
19 WM2020-0009605-3523 through WM2020-0009605-3584);
20
21 28. Plaintiff's Nevada Cardiology Associates Medical Records & Billing (Bates No.
22 WM2020-0009605-3585 through WM2020-0009605-3603);

23 **c) The parties will offer the following depositions at the time of trial:**

24 **A.** The Plaintiff will offer the following depositions: None anticipated at this
25 time, though this is dependent upon witness availability.

26 **B.** The Defendant will offer the following depositions: Defendant will offer the
27 deposition transcripts and videotaped depositions of any witness who was deposed and for
28 which the foundation for unavailability has been satisfied.

29 **The parties offer the following objections to proposed depositions:**

30 **A.** The Defendant objects to the Plaintiff's depositions as follows: None.

B. The Plaintiff objects to the Defendant's depositions as follows: N/A.

VIII.

The following witnesses may be called by the parties upon trial:

A. Plaintiff's witnesses she intends to call at trial:

1. Arianna Saliani
c/o HENNESS & HAIGHT
8972 Spanish Ridge Avenue
Las Vegas, Nevada 89148
2. Nicholas Saliani
119 Willow Dove
Las Vegas, NV 89123
3. Person Most Knowledgeable
SAM'S WEST, INC. d/b/a SAM'S CLUB
c/o PHILLIPS, SPALLAS & ANGSTADT
504 South Ninth Street
Las Vegas, Nevada 89101
4. Timothy Mitchell
c/o PHILLIPS, SPALLAS & ANGSTADT
504 South Ninth Street
Las Vegas, Nevada 89101
5. Donald Walter
c/o PHILLIPS, SPALLAS & ANGSTADT
504 South Ninth Street
Las Vegas, Nevada 89101
6. Anna Cybulski
c/o PHILLIPS, SPALLAS & ANGSTADT
504 South Ninth Street
Las Vegas, Nevada 89101
7. Alex Balian, MBA
6520 Platt Avenue, #807
West Hills, CA 91307-3218
8. Stuart Kaplan, M.D.
Las Vegas Neurosurgical Institute
3012 S. Durango Drive
Las Vegas, Nevada 89117

1 9. Paul Kaloostian, M.D., FAANS, FACS
2 11010 White Rock Road, Ste. 120
3 Rancho Cordova, CA 95670

4 **Plaintiff's witnesses she may call at trial:**

5 1. Andrew Stevenson
6 c/o PHILLIPS, SPALLAS & ANGSTADT
7 504 South Ninth Street
8 Las Vegas, Nevada 89101

9 2. Person Most Knowledgeable
10 Crossmark
11 5100 Legacy Drive
12 Plano, Texas 75024

13 3. Person Most Knowledgeable and/or
14 Bridget (last name unknown) and/or
15 Shannon Robertson and/or
16 Rosie (last name unknown) and/or
17 Toni (last name unknown) and/or
18 Joan Gapsma and/or
19 Connie (last name unknown) and/or
20 Americo Genovese and/or
21 Brenda (last name unknown) and/or
22 Frances Hagoner and/or
23 Brandy Garcia and/or
24 Frenchie (last name unknown) and/or
25 Emma (last name unknown) and/or
26 Shopper Events
27 c/o Capitol Services, Inc.
28 108 Lakeland Ave.
 Dover, Delaware 19901

4. Person Most Knowledgeable
Advanced Sales & Marketing
18100 Von Karman Ave., 9th Floor
Irvine, California, 92612

5. Person Most Knowledgeable and/or
Custodian of Records
UMC Quick Care – Blue Diamond
4760 Blue Diamond Road, Ste. 110
Las Vegas, Nevada 89139

6. Person Most Knowledgeable and/or

1 Custodian of Records
2 Nevada Spine and Disc
3 8665 South Eastern Avenue, #103
4 Las Vegas, Nevada 89123

5 7. Person Most Knowledgeable and/or
6 Custodian of Records
7 PayLater Pharmacy
8 552 East Charleston Blvd.
9 Las Vegas, Nevada 89104

10 8. Person Most Knowledgeable and/or
11 Custodian of Records
12 ATI Physical Therapy
13 790 Remington Blvd.
14 Bolingbrook, IL 60440

15 8. Person Most Knowledgeable and/or
16 Custodian of Records and/or
17 Hans Jorg Rosler, M.D.
18 Interventional Pain and Spine Institute
19 851 South Rampart Blvd., Ste. 100
20 Las Vegas, Nevada 89145

21 9. Person Most Knowledgeable and/or
22 Custodian of Records and/or
23 Stuart Kaplan, M.D.
24 LVNI
25 3012 South Durango Dr.
26 Las Vegas, Nevada 89117

27 10. Person Most Knowledgeable and/or
28 Custodian of Records and/or
29 Dominic Robine, D.O.
30 Nevada Cardiology
31 3140 North Tenaya Way, Ste. 460
32 Las Vegas, Nevada 89128

33 11. Person Most Knowledgeable and/or
34 Custodian of Records and/or
35 Michelle Hyla, D.O.
36 Southern Nevada Medical Group
37 1485 East Flamingo Rd.
38 Las Vegas, Nevada 89119

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1 Plaintiff reserves the right to use any witnesses listed by any other party to this litigation.
2 Plaintiff further reserves the right to name and list any witnesses deemed necessary for rebuttal and/or
3 impeachment purposes.
4

5 **B. Defendant's witnesses:**

6 1. Arianna Saliani, Plaintiff
7 c/o HENNESS & HAIGHT
8 8972 Spanish Ridge Avenue
9 Las Vegas, Nevada 89148
10
11 2. Nicholas Saliani
12 9480 Descending Creek Street
13 Las Vegas, NV 89123
14
15 3. Timothy Michell
16 c/o PHILLIP, SPALLAS & ANGSTADT, LLC
17 504 South Ninth Street
18 Las Vegas, Nevada 89101
19
20 4. Donald Walter
21 816 Fireweed Drive
22 Henderson, Nevada 89002
23
24 5. Andrew Stevenson
25 c/o PHILLIP, SPALLAS & ANGSTADT, LLC
26 504 South Ninth Street
27 Las Vegas, Nevada 89101
28
29 6. Anna Cybulski
30 c/o PHILLIP, SPALLAS & ANGSTADT, LLC
31 504 South Ninth Street
32 Las Vegas, Nevada 89101
33
34 7. Paul Kaloostian, M.D., FAANS, FACS
35 11010 White Rock Road, Ste. 120
36 Rancho Cordova, CA 95670
37
38 8. Brandy Garcia
39 Advanced Sales & Marketing
40 18100 Von Karman Avenue, 9th Floor
41 Irvine, California, 92612
42
43

ORDER

This case is set for jury trial on the stacked calendar on May 9, 2022, at 9:00 a.m. in courtroom 6C. Calendar call will be held on May 3, 2022, at 9:00 a.m. in Courtroom 6C.

This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

NOTICE: Due to the unusually large number of complex criminal cases set for lengthy trials before this Court, civil trials may possibly be held in a trailing status for months or be assigned to another District Court Judge for trial. Therefore, the Court strongly urges the parties to consider their option to proceed before a Magistrate Judge pursuant to Local Rule IB 2-2, in accordance with 28 USC Section 636 and FRCP 73.

The Clerk shall provide the parties with a link to AO 85 Notice of Availability, Consent and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge form on the Courts website.

IT IS SO ORDERED this 1st day of February, 2022.

UNITED STATES DISTRICT JUDGE